

# **EDMONDS CITY COUNCIL APPROVED MINUTES**

## **August 4, 2015**

The Edmonds City Council meeting was called to order at 6:30 p.m. by Mayor Earling in the Council Chambers, 250 5<sup>th</sup> Avenue North, Edmonds.

### **ELECTED OFFICIALS PRESENT**

Dave Earling, Mayor  
Adrienne Fraley-Monillas, Council President  
Diane Buckshnis, Councilmember  
Kristiana Johnson, Councilmember  
Lora Petso, Councilmember  
Joan Bloom, Councilmember  
Thomas Mesaros, Councilmember  
Michael Nelson, Councilmember

### **STAFF PRESENT**

Phil Williams, Public Works Director  
Carrie Hite, Parks, Rec. & Cult. Serv. Dir.  
Shane Hope, Development Services Director  
Scott James, Finance Director  
Bertrand Hauss, Transportation Engineer  
Rob English, City Engineer  
Jeff Taraday, City Attorney  
Scott Passey, City Clerk  
Jerrie Bevington, Camera Operator  
Jeannie Dines, Recorder

### **1. CONVENE IN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION PER RCW 42.30.110(1)(i)**

At 6:30 p.m., Mayor Earling announced that the City Council would meet in executive session to discuss pending litigation per RCW 42.30.110(1)(i). He stated that the executive session was scheduled to last approximately 30 minutes and would be held in the Jury Meeting Room, located in the Public Safety Complex. No action was anticipated to occur as a result of meeting in executive session. Elected officials present at the executive session were: Mayor Earling, and Councilmembers Johnson, Fraley-Monillas, Buckshnis, Petso, Bloom, Mesaros and Nelson. Others present were City Attorney Jeff Taraday and City Clerk Scott Passey. At 6:58 p.m., Mayor Earling announced to the public present in Council Chambers that an additional 10 minutes would be required in executive session. The executive session concluded at 7:07 p.m.

Mayor Earling reconvened the regular City Council meeting at 7:14 p.m. and led the flag salute.

### **2. ROLL CALL**

City Clerk Scott Passey called the roll. All elected officials were present.

### **3. APPROVAL OF AGENDA**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO MOVE ITEM 8B, ILA WITH EDMONDS SCHOOL DISTRICT FOR WOODWAY FIELDS, TO ITEM 7D UNDER STUDY SESSION ITEMS.**

Councilmember Buckshnis explained she asked this be moved to a study session because she has a number of questions that have not been answered, there is still time to move through this process and to

understand it better and it is more of a study session item tonight as the number of people in the audience indicates there will be additional comments made tonight that the Council needs to consider.

Councilmember Bloom expressed concerned with continuing to delay the ILA. Councilmember Buckshnis another reason for moving this to a study session was the City Attorney and the Edmonds School District's (ESD) attorney have not had an opportunity to review the ILA jointly. This will allow the City Attorney to present any amendments requested by the Council to the ESD's attorney.

Councilmember Mesaros expressed support for the motion because he has recommended changes to the ILA and wants the City Attorney to have an opportunity for discuss them with ESD's attorney.

**MOTION CARRIED (6-1), COUNCILMEMBER BLOOM VOTING NO.**

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO MOVE ITEM 4D FROM THE CONSENT AGENDA TO 8B ACTION ITEMS.**

Council President Fraley-Monillas explained this was mentioned last week but the Council did not have an opportunity for review. Mayor Earling clarified bids were opened the day after this was presented to Council last week. Staff will report the results of the bid opening to Council.

**MOTION CARRIED UNANIMOUSLY.**

**COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE THE AGENDA IN CONTENT AND ORDER AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

**4. APPROVAL OF CONSENT AGENDA ITEMS**

Councilmember Bloom requested Item E be removed from the Consent Agenda.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO APPROVE THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:**

- A. APPROVAL OF DRAFT CITY COUNCIL MEETING MINUTES OF JULY 28, 2015**
- B. ACKNOWLEDGE RECEIPT OF A CLAIM FOR DAMAGES FROM KALEB REAL ESTATE GROUP**
- C. APPROVAL OF CLAIM CHECKS #215404 THROUGH #215501 DATED JULY 30, 2015 FOR \$1,301,399.75. APPROVAL OF PAYROLL REPLACEMENT CHECK #61721 FOR \$18,797.94**
- F. REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2014 CITYWIDE STORM DRAINAGE IMPROVEMENTS AND ACCEPTANCE OF PROJECT**

**ITEM E: AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT FOR THE 220TH STREET SW OVERLAY FROM 84TH AVENUE W TO 76TH AVENUE W**

Councilmember Bloom referred to the bid rejection memo in the packet and asked if the contractor has submitted a corrected bid. Public Works Director Phil Williams said the contractor does not have an opportunity to correct their bid, it must be submitted correctly the first time. Staff obtained concurrence from WSDOT that rejecting that bid and awarding to the second low bidder was appropriate.

Councilmember Bloom relayed her understanding of Mr. Williams' explanation that the contract was being awarded to the second low bidder. Mr. Williams agreed.

**COUNCILMEMBER BLOOM MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE ITEM E. MOTION CARRIED UNANIMOUSLY.**

**5. PRESENTATIONS/REPORTS**

**A. COMMUNITY TRANSIT UPDATES INCLUDING PLANS FOR THE FUTURE**

Mayor Earling introduced Emmett Heath, CEO, Community Transit. Mr. Heath has been touring Snohomish County cities describing the work they are doing and potential future changes. He noted Mr. Heath was successful in very stiff competition for the CEO position and has done a fabulous job so far.

Mr. Heath acknowledged the long standing relationship Community Transit has had with Edmonds. Mayor Earling joined the Community Transit Board of Directors in 1992, serving for 12 years; after a short hiatus, he returned in 2012 and has been an important voice for transportation and Community Transit. Former Edmonds Councilmember Strom Peterson was cosponsor of a bill that allowed Community Transit local authority to request a local sales tax for transportation services; that bill was recently enacted by the Governor.

Mr. Heath relayed two key messages: transit investments help our economy grow and protect our quality of life. Community Transit exists to serve the needs of people in Community Transit and every year that mission expands as more people come to the community. Almost unprecedented growth has been seen recently; PSRC forecasts by 2040 Snohomish County's population will increase by 240,000 and employment will increase by 130,000 jobs. In each of the last two years in Snohomish County, 3,500 housing units have been added, there are already about 3,600 housing permits issued for 2016 and an additional 4,000 are on tap for 2017. In the last three years, more than 1,600 residential housing units have been constructed or permitted near major transit facilities and along transit corridors. He displayed a photograph of a transit oriented development (TOD) project located adjacent to the Ash Way Park & Ride lot north of Lynnwood. This type of development helps reduce cars on the road and vehicle miles traveled and protects the quality of life for Snohomish County.

Snohomish County continues to grow and remains a strong manufacturing economy with Boeing continuing to be a driver of local jobs as well as jobs in high tech, healthcare, business services and tourism. Edmonds is also experiencing growth:

- Taxable retail sales increased by approximately 12% from 2013 to 2014
  - Highest growth rate among major economies in Snohomish County
- Hotel/motel tax is growing at rate higher than other jurisdictions in Snohomish County

As Snohomish County and Edmonds grows, Community Transit also grows; on a busy day, about 40,000 people ride Community Transit buses, vanpools and DART vehicle. Approximately 71% of Edmonds residents live within walking distance of a Community Transit bus route. He displayed a map illustrating areas with a quarter mile walk to transit. Edmonds is among the best served in Snohomish County; 10 routes and 560 separate bus trips each weekday. About 2,000 riders board Community Transit buses at 185 stops within Edmonds city limits on a daily basis. Edmonds is one of the most transit friendly communities that Community Transit serves.

Community Transit also operates the Swift Bus Rapid Transit (BRT) route through Edmonds, the most popular route Community Transit operates. Swift BRT operates like a subway on rubber tires. Swift was launched in 2009 operating on Highway 99, with stations about a mile apart from the Aurora Village transit center north to Everett station with buses every 12 minutes. Today, about one of every six riders

uses Swift on a daily basis, about 6,000 riders every day or 1.6 million riders a year. Swift has been a great success story for Community Transit; Edmonds has been a major partner and has embraced Swift service on Highway 99.

Mr. Emmett relayed in June Community Transit restored Sunday service for the first time in five years. On the first Sunday, 5,000 people rode the bus. The scheduling supervisor wanted to witness the first Sunday rider, and watched the first departure at 6:04 a.m. at Aurora Village transit center. The first passenger was a woman wearing an Arby's uniform on her way to work. Community Transit was proud to be able to make a positive difference in that person's life and be her route to work on a Sunday morning.

After giving this presentation in Marysville last week and describing how many people ride their most popular routes, 201 and 202 on State Avenue in Marysville, a Councilmember commented his business is located on State Avenue and frequent, reliable transit service is important for him, his employees and customers. Whether someone rides bus or not, it is in everyone's best interest for people to have the ability to reach their jobs quickly and efficiently using via public transportation. Public transit plays an important role in keeping the economy healthy.

Mr. Emmett explained the challenge is keeping up with demand for services. Population and employment growth are driving more people to public transit. Every bus Community Transit owns and every bus driver they employ is currently in service and they still cannot meet increasing demand. Last year ridership increased 8% and is on a trend to increase even more this year. On commuter service to Seattle, buses fill at every stop, even double decker buses that hold up to 110 passengers with a standing load. People stand in the aisle for an entire commute to Seattle or University of Washington, a trip that often exceeds 80-minutes. He provided a photograph of standing passengers on Route 412 from McCollum Park to Seattle. The first couple trips in the morning are full, and before another trip was added to 412 last fall, people were left behind at the Park & Ride. Additional service was added to some other areas to serve demand. Overall, Community Transit is stretched beyond its limits to meet demand and provide service that residents want and expect.

The Governor recently signed a new state transportation funding package that included authority for Community Transit to seek new funding. The next day, Community Transit's Board took action to place a measure on the November ballot to increase transit service. If approved, new funding would enable Community Transit to add buses to downtown and University District, alleviate crowding on popular commute routes, add buses and van pools across the entire service area, add more east-west connections in south Snohomish County such as Route 196, a recent addition that serves Edmonds. New funding would also allow new trips and new connections in north and east Snohomish County where service is not as robust. He displayed a map of a conceptual new route between Marysville and McCollum Park in south Everett, a connection Community Transit has wanted to provide for many years but has not been able to afford. This type of service is overdue for the underserved markets in Snohomish County.

If the ballot measure succeeds, Community Transit could add another Swift BRT line between Paine Field and Canyon Park. That line would connect 65,000 manufacturing jobs near Boeing and Paine Field manufacturing centers with 25,000 high tech jobs in Canyon Park area and serve high density business and commercial area in between. A second Swift BRT line would also establish a network of BRT lines in Snohomish County to allow people on the first Swift line to transfer at Highway 99 and Airport Road to express service to Mill Creek, Everett station or perhaps a connection to Boeing. New funding would also enable planning for a third Swift line that would be operational by the time link light rail reaches Lynnwood in 2023. One of the corridors being considered for a third Swift line would be 196<sup>th</sup> from the vicinity of Edmonds Community College, east under the freeway and north on Alderwood Mall Parkway to 164<sup>th</sup>. If the ballot measure is approved, citizens would see the first service improvements by March

2016. Allowing time for public comment and time to order new buses, more service would be added over the next two years and the second line of Swift operating by 2018 and potential a third Swift line operating before link light rail reaches Lynnwood in 2023. He concluded these transit investment are needed to help the economy grow and to protect the quality of life.

Mr. Emmett commented morning is Community Transit's busiest time; in the morning peak almost 80% of riders are on their way to work, helping to make the economy more resilient and stronger. In the afternoon, those same riders on their way home which helps protect quality of life. There is an opportunity to ensure the future in Snohomish County is just as amazing as the community is today. People appreciate having a vital, locally based transit system; Community Transit is proud to play that role in the community. With the public's help, Community Transit can help the economy grow and protect the quality of quality of life in Snohomish County. He introduced Todd Morrow, Community Transit's Chief of Strategic Communications, who was present to answer questions.

Council President Fraley-Monillas commented her nephew who lives in central Everett came to her house at 9:00 a.m. today, riding his bike to a Swift bus stop, taking Swift from Everett to Edmonds, then riding his bike to her house. When she mentioned taking him home, he said could get home faster via Swift than she could drive him. Her son takes DART to work three days a week which has enabled him to lead a more independent life. DART has been a great program for her family.

Councilmember Mesaros thanked Mr. Emmett for his presentation and Community Transit's continued good work. He asked the average age of Community Transit's fleet and the optimal age. Mr. Emmett answered the average age is 9.6 years and the optimal was 9.5 years. Community Transit has done a good job maintaining its infrastructure and the system is operationally and financially sustainable. Councilmember Mesaros said he often takes the Sound Transit train to his job in Seattle but when a meeting runs late, he takes Community Transit Route 416 home.

Councilmember Nelson thanked Mr. Emmett for his presentation and welcomed him to his new position with Community Transit. He noted 80% of Edmonds' workforce commutes out of the City and 50% commute out of Snohomish County. That means a lot of the community is on the roadway and reliable bus service is essential. He asked how the City Council can help Community Transit. Mr. Emmett answered the Council can help spread the message that the revenues Community Transit collects are spent efficiently and effectively but there is still unmet demand. It takes a revenue source to meet demand and Community Transit is proud to give voters the choice to fund additional service. In the immediate past when local governments have gone to citizens with a tax increase, it has been with an implied threat that service would be cut without additional funding. He summarized the Council could spread the message that Community Transit is sustainable and can continue to provide existing service but providing more service will require a new revenue source.

Councilmember Buckshnis thanked him for his presentation. She commended Community Transit's service to Seattle and the Swift service and wished Swift ran all the way to Portland.

## **6. AUDIENCE COMMENTS**

**Wendy Kendall, Edmonds**, Library Board Member, thanked Mayor Earling for confirming her appointment. Representing herself tonight, not the Library Board, she said an Edmonds citizen board for the public library has been valuable. One of their responsibilities has been to inform Edmonds citizens of the helpful and amazing services available at the library. The library is funded via a property tax assessment; citizens receive a great return on investment. The Library Board hosts an annual fall open house that showcases the building and services and does media write ups such as the availability of tax help, magazines online, check out a librarian help service, summer reading programs and job search help. The Board is also involved in building issues; while on the Board, she has been involved in lobby

improvements which included improved handicapped restroom access, carpet and minor building repairs. A citizen board for a place as important as the library is a community responsibility and she urged the Council to find way to keep a board with the same or clarified responsibilities. As Lady Bird Johnson said about libraries, "There's no place in any community that's so totally democratic. The only entrance requirement is interest." The public is welcome at the Library Board's next meeting on August 17 at 6:00 p.m. at the library.

**Chris Gradwohl, Edmonds**, said he raised 3 kids in Edmonds, coached for more than 20 years in SnoKing Pacific Little League and now with Edmonds Warrior Junior Football. With the exception of a few not in my backyard neighbors who want to restrict or prevent kids from playing sports at the old Woodway High School, it seems the continuing debate has focused on the use of crumb rubber for the infill. Some people have suggested the use of alternative infills such as cork, recycled plastic or recycled tennis shoes known as Nike Grind. The objection to alternative infills is they do not perform as well and are more expensive to purchase and maintain which includes grass. Opponents of the use of crumb rubber are proposing to use inferior, more expensive alternatives based on their concerns for human health and environmental risk. However, regardless of their claims, their concerns are not based on any scientific or medical evidence. The safety of artificial and crumb rubber infill has been studied extensively by a wide variety of agencies and groups. Although opponents claim it has not been studied enough, he was certain no studies would satisfy them because their beliefs will never be changed and they will cling to anything that supports their belief and they will dismiss or deride anything that does not. He compared this to opposition to vaccinations; despite evidence and studies, adults choose not to inoculate their children which results in outbreaks of infectious diseases. Some opponents are truly sincere and care about the health of children ranging all the way to crazy. There is arrogance from many of the opponents, they elevate their own self-importance, claiming they are saving children and crumb rubber will result in dead babies in the streets. They dismiss studies, claiming they are faulty, that the industry is behind the studies, that it is greedy industry and a conspiracy, comparing it to the tobacco industry. Research has been conducted by state and local governments and many agencies. He questioned that New York, Connecticut, California, EPA and Consumer Products Safety Commission would be in the pocket of the field turf industry. Opponents refer to a soccer coach at the University of Washington who has found 82 soccer goalies with cancer; no study has been done and she still coaches on crumb rubber. He summarized carcinogens are all around us and the average American encounters thousands on a daily basis including 650,000 tons of tire dust produced every year by cars and buses. He urged the Council to look at the science and the facts and make rational decisions and choices.

**Beth Marriott, Edmonds**, encouraged the City to partner with the ESD on the Woodway field improvements including the turf surface. As the Athletic Director at Meadowdale High School, today she kicked a soccer ball with members of her girls soccer team and chased a friend's three-year old around the field and they rolled around in crumb rubber all day. The grass fields at her school are nothing more than straw now due to the dry weather conditions. She was confident she had not done anything to injure herself or any of the players representing her high school.

**David Harvey, Edmonds**, a parent and athletic booster for Meadowdale High School, said when he spoke at a previous meeting, the focus was installing the fields not the infill. His concern at that time was field use and not having fields available. He has since researched crumb rubber, Geofill and Nike Grind and has not found any lawsuits or litigation that identifies proven health risks/concerns related to crumb rubber. His children have participated in sports on crumb rubber since the age of eight and he has coached then on crumb rubber. He began playing on crumb rubber at the age of ten and still plays on crumb rubber in a men's soccer league. He would not put himself or his children at risk if he felt crumb rubber was a concern. The alternative infills have not been proven and they are new technology. Working in the technology field, new technology is not put into the marketplace until it has proven itself, it needs to be tested and researched. Crumb rubber has proven itself. With the number of professional, collegiate and

high school athletes who have played on crumb rubber, if there were issues with crumb rubber, there would be litigation. There are chemicals in the air and everywhere. He understood and appreciated the concern but felt confident and safe in the School Board's decision. If he had any concerns with crumb rubber, he would not have his children playing on it.

**Adam Quaintance, Edmonds**, Club Director, SnoKing Youth Club, a recreational youth sports organization that serves 4,000 youth on an annual basis explained their fall soccer program serves nearly 1,100 in rec and 300 in select. The biggest issue is usable field space for practices and games. Issues with grass fields such as potholes and maintenance do not arise with turf fields. On behalf SnoKing Youth Club he relayed they serve a lot of kids in the area and need more field space for them to play.

**Laura Johnson, Edmonds**, said everyone wants the same thing, a healthy place for children to play. If the approach is a standard that has been used for the past 15 years, crumb rubber, many studies can be found that support that decision. If the approach is the safest, healthiest sports fields and questions regarding the exposure to known toxins and carcinogens, there are plenty of science-backed studies to validate those concerns. As the parent of an athlete, she did not know about the potential for risks and had assumed the athletic fields were safe. Five months ago, the full potential for risk became apparent; now she is the parent of an athlete who will never again play on a field with crumb rubber and she is not alone. The movement against crumb rubber is growing as more parents learn about the risk and potential. There is simply not enough information about what happens when tires are ground up into small bits that degrade over time, used as infill and children are exposed through dermal contact, ingestion and inhalation. Decisions are made by comparing risk to benefit; the only benefit of using crumb rubber is a lower price. Choosing to use a product that lacks long term human health studies, contains known toxins and carcinogens, has a growing list of young athletes with blood cancers is a huge and unnecessary gamble. She urged everyone to drop the notion of sides and work together to provide the safest and healthiest play surface for children, community and environment. As currently written the ILA has very little benefit for the City but quite a bit of risk. It contains words like partnership, jointly and collaborative effort; that does not match the way ESD has work with the City. ESD expects the City to share in the risk of partnering on these fields but allows the City very little say in how they are built. The Edmonds School Board was heavily guided and influenced in its decision making by the industry that makes money from the old standard of using crumb rubber and they largely ignored citizens' concerns. She hoped the City Council, unlike the School Board, would be heavily influenced by its constituents and not pressure from the School Board.

**Bill Kessler, Edmonds**, attorney, voiced support for the City's participation in the field turf project at the former Woodway High School. He was happy with ESD's process of evaluating the field turf crumb rubber product and investigating options for playing surfaces. He has coached middle school and high school football on a variety of playing surfaces and it is always a treat for players to play and for him to coach on a crumb rubber field turf. He encouraged the City to join with ESD and Verdant in making the installation of field turf at former Woodway High School a reality.

**Kortney Hamilton, Edmonds**, a resident within a block of the Woodway fields, expressed concerned about her health and the quality of runoff and the air. She supported having healthy places for kids to play. To the comment that the technology of non-toxic infills has not been tested, she questioned how they could be tested without utilizing them and suggested trying a non-toxic alternative. She recalled at one point lead based paint and asbestos were considered safe. She encouraged the Council to look at current data, make an objective assessment, and proceed with what is the best and does no harm to the community.

**Sierra Johnson, Edmonds**, said she learned in her American Government class if you don't like something and you want it changed, you must get involved in advocating for change. She was proud of

the parents who have gotten involved and are trying to make a change to protect children's future health and the health of the environment. Edmonds was the first in the state to ban the use of plastic bags, an example followed by other communities and she urged Edmonds to set an example again. She provided a petition signed by 571 citizens requesting a ban on the use of crumb rubber in Edmonds and a petition started in April signed by 543 citizens requesting a change in plan, from keeping natural grass fields to not using crumb rubber on artificial turf. Considering duplicates, these 2 petitions represent over 1,000 citizens. She and her friends also collected 152 signatures (111 from students and 41 teachers and parents) on a petition that states they do not support the installation of artificial turf with crumb rubber at the former Woodway High School site. Students' voices are important because they will be playing on the fields and the safety of the fields outside their classroom is unknown. Crumb rubber is made from tires which have carcinogens and toxins. Children should not be unnecessarily exposed to carcinogens and toxins; athletic fields should support, not endanger health. She urged the Council to pass ban on the use of crumb rubber on any property in the City to ensure the City is not in this position again and to ensure safe, healthy, and non-toxic play and athletic fields for all.

**Mary Jo Schafer, Edmonds**, expressed 100% support of the School Board, believing they did their due diligence and did not ignore the request of all citizens. Many people who are in support believe they did enough research and stand behind the project as approved by the School Board. She assured there were definitely people in favor of this project.

**Steve White, Edmonds**, spoke in support of the crumb rubber fields. ESD was assigned the responsibility of selecting the field material; crumb rubber is an obviously first choice as it is used on fields across the country and all seven fields in the ESD, is the cheapest option and has the longest track record of use so there can be confidence it will work in this climate. In response to citizens' comments, ESD did respond to concerns and hired a consultant who gathered a large number of studies which the Council has seen and presumably reviewed. The consistent response in those studies is crumb rubber does not present an elevated health risk. Many of those studies were from public entities, the most comprehensive was from the State of Connecticut who stated in 2011 and confirmed in 2015 that outdoor artificial turf fields do not represent an elevated health risk. The ESD's conclusions were crumb rubber does not represent an elevated health risk and therefore is a logical choice. Many citizens continue to disagree with that decision and expressed their concerns to Verdant, the largest funding partner. Verdant hired their own consultant, Gradient, to do an independent analysis. The summary from the Gradient study was that chemical levels found in field turf SBR and Geoturf infill do not present a risk to people playing on or using fields with these products. He urged the Council to step back and look at the facts and the ESD's process and their conclusions, to support ESD in this project, be part of the funding and take part in ongoing scheduling and operation of the fields.

**Erin Zachey, Edmonds**, hoped as a parent that any future discussions the Council may have with ESD would be more positive. She appreciated the Council's caution as they moved forward. She said Elisabeth Black's review contained inaccuracies and inconsistencies. She also had concerns with the subsequent study done by Gradient as Gradient has defended the tobacco industry, arsenic in playgrounds, BPA in baby bottles and the Synthetic Turf Council in the past. She echoed Ms. Johnson's earlier sentiment for the City to work in partnership with ESD on this project. This project is for the kids and everyone wants healthy safe playfields. After the research that has been done, too much is known to not do what is best for kids. In looking at the Geoturf website and many other websites regarding alternative infills, those products are proven and widely used in Europe. As a parent she tries to help her children understand the importance of involvement in the community. They have helped gather petition signatures outside PCC, written and shared their thoughts, held posters outside the ESD and chanted along with her and her husband. She provided the following Dr. Seuss quote, "Unless someone like you cares a whole awful lot, nothing is going to get better, it's not."



**Dave Page, Edmonds**, said he reads My Edmonds News every morning; today there was a comment from someone who recently moved to Edmonds who said Edmonds is a wonderful place, full of wonderful, friendly, inviting and loving people. He used that approach to the debate about crumb rubber. Crumb rubber may be best solution and he knew staff has done their due diligence. Until the recent opposition, there was no debate but now with the opposition now there were 500 people angry and concerned about crumb rubber. He suggested spending \$20,000-\$50,000 for a like infill product to avoid alienating a significant part of the population, eliminate angst and prevent people from taking sides was worthwhile to consider. He requested the Council study the issue in that manner. He googled crumb rubber and found 97 articles with a negative connotation and 77 articles split on the pros and cons of crumb rubber pros which shows there are concerns with crumb rubber.

**Christi Davis, Brier**, PhD in health services research and Master's Degree in public policy analysis, said she was tired of people saying listen to the science. She suggested the Council listen to the scientists; three PhDs have testified including herself, a PhD toxicologist, and her husband, a PhD who has worked in the biotech industry. All three looked at the same studies and say the same thing – it's not worth the risk, too little is known. There has never been a study of the toxicity of crumb rubber as a whole. Some is known about the toxicities of less than half the chemicals in crumb rubber; nothing about the toxicity when they are combined. Crumb rubber has only been used for 15 years; it typically takes longer than that for cancers to appear. The fact that any cancers are appearing is alarming, and the appearance of more lymphomas than leukemias in concerning to epidemiologists. She urged the Council to listen to the scientists, the oncology nurse, and the people who do not have vested interest in the industry. She expressed concern with Elisabeth Black's review of articles she was provided by ESD and that she botched a lot of the science. For example, she said PM10 was particulate mass 10; it is particulate matter less than 10 microns in diameter. She did not trust Ms. Black's analysis when she could not get the basic definition of one of most important components of air pollution correct. She questioned whether the Council wanted to tie the City's finances to ESD's ability and willingness to work with the City. The City would be permanently on the hook for all maintenance costs regardless of whether the turf is replaced in ten years. She questioned who pays if the turf has to be replaced early if crumb rubber is tied to cancer. She urged the Council not to tie itself to ESD especially since the Verdant contract already guarantees the City of Edmonds access to the fields.

**Kate Smith, Edmonds**, a resident in the neighborhood east of the former Woodway High School, said she gathered signatures on the petition and talked with neighbors at her 7-year old's lemonade stand. She initially did not talk to neighbors, assuming they would be supportive of the fields; every neighbor she has talked with is concerned with the product and were willing to sign the petition. Speaking on their behalf, she asked the Council to find a compromise such as using a different infill material. When she first contacted the School Board in January she did not want artificial turf as she loved the natural space in the community, but now would like to see a compromise. She did not want the product used to harm her health as a neighbor, her water supply, air and the environment, noting there are a lot of animals living in the area. She relayed a statement from **Jen Carrigan, Edmonds**, asking the Council not to sign the ILA that supports the use of crumb rubber shredded tires as currently written.

**Rebecca Wolfe, Edmonds**, PhD in Educational Leadership, said she is in a science program with Vermont Law School studying climate change and extinction and adaptation. A great deal of information is available about global warming and the climate crisis. She referred to practicing the precautionary principle, if there is any doubt something would cause the death of a child, the Council should practice precaution. She relayed her 14-year old grandson recently lost one of his best friends, an athlete, to leukemia. Yesterday President Obama and EPA Director Gina McCarthy announced the finalization of the Clean Power Plan to reduce greenhouse gases in the atmosphere, much of which is carbon. Greenhouse gases are killing the planet, people, wildlife, and forests and much of crumb rubber is carbon. James Hansen, Goddard Institute, has stated catastrophic heat is coming and has evidence it will be much worse

than anyone predicted. Human health and the health of the environment cannot be separated. Crumb rubber was not introduced until 2000; other types of turf were used prior to that time. She read from “New Approach to Environmental Law” regarding the climate emergency and the big adaptation. The public trusts elected officials to do what is best for the public and for the public’s interest. Edmonds citizens are not ready to use crumb rubber just yet.

**Scott Schafer, Edmonds**, explained he left the meeting to pick up his son at practice in Mountlake Terrace because no fields are available nearby. He is not an expert on crumb rubber but no one in the room is an expert and everyone has heard different opinions. He supported the Edmonds School Board’s efforts to construct these fields as more fields are needed. He endorsed the City Council partnering with the ESD on the fields. He was extremely disappointed and saddened to hear people make comments from a personal standpoint attacking Edmonds School Board Members. They were doing their jobs, have done their due diligence and made a decision considering all the facts.

**Mark Wall, Edmonds**, gave the Council the benefit of doubt with regard to the question of how did we get to this point because people haven’t been honest with the City Council. At the closed record hearing he recalled when Councilmember Bloom asked about traffic and impacts on wildlife, she was told by the City Attorney that those issues could not be considered. The City’s Planner Michael Clugston sent out an email saying, “I’m going to push the school district to include all aspects of land use review and permitting at this time rather than apply for additional land use permits. It doesn’t make any sense to me, get your land use done now, get vested. Then pull your building permits for subsequent phases when those pots of money become available.” He said a citizen would not get that treatment from staff. ESD’s lighting permit was denied by the Hearing Examiner; then ESD said they were pulling the lighting application but proceeded to install all the infrastructure for lights including bases and electrical. He compared that to a citizen installing a foundation for a home, framing and electrical and offering to apply for a permit when they had enough money. ESD said in April they were pulling the lighting application because they did not have funding. At the May 5 Council meeting in response to concerns with the lack of community involvement, the City’s Parks & Recreation Director said there was community involvement as evidenced by ESD pulling the light permit due to community interest. He summarized the Council has not been given all the answers. The massive opposition is due to the way the whole thing has been orchestrated without the Council knowing what was happening behind the scenes.

**Maggie Pinson, Edmonds**, expressed support for Christi Davis’s comments regarding science and health concerns and that no studies have considered the toxic effects of the entire mixture. That available studies look at the toxicity of chemicals in crumb rubber as single entities, as if a person were exposed to one chemical at a time. She compared that to a person’s doctor asking about all their prescription, over-the-counter medications and supplements to allow them to look for chemical interactions and cumulative effects. That information is not available in the scientific literature. The PhD toxicologist who worked for the Nuclear Regulatory Commission and testified previously said the effects of the mixture are often far greater than the effects of a single chemical, the difference between component based risk assessment and the study of the complex mixture. Her four nephews and two nieces who have played select soccer in middle school, high school and college said no soccer player they knew preferred crumb rubber over grass. She fully supported a ban on crumb rubber and an opportunity to engage in a good, effective exchange of information.

**Roger Hertrich, Edmonds**, said he visited the new fields at the former Woodway High School and found them so remarkably pretty, bright, and exciting looking that he wanted to run out onto the field. He understood why coaches think it is a good thing because it looks good and performs well but toxins are the issue. He recalled not allowing one of his two sons to participate on a 50-mile scout canoe hike due to his concern with the scout leader’s ability to keep his son safe. Although no one died on the hike, he was correct in his assessment and the hike was very disorganized. As a parent, he was responsible for the

safety of his children; the safety of the children in Edmonds is the Council's responsibility and he urged the Council to take that responsibility seriously before discounting people's concerns. He found Councilmember Bloom's description last week of her meeting with ESD very informative, totally complete, and provided a different idea of what going on compared to what had previously been represented. He referred to her comment that Mayor Earling's team, staff, was working against her efforts by telling ESD that the City condoned crumb rubber or "toxic fill." He hoped the Council would make a decision that was good for the safety of children.

**Will Schafer, Edmonds**, a student athlete at Meadowdale High School playing three sports, said none of his friends or teammates prefer grass over turf fields for practice or games. They all find turf much better to play on in the rain and all weather.

**Ron Wambolt, Edmonds**, agreed with the remarks made by Mr. Schaefer defending the School Board and ESD. He was disgusted by the disparaging remarks made about ESD and the School Board, noting most of the people making those remarks only know them by job title; he knows the people. Superintendent Brossoit has a lunchtime meeting 10 months of the year; he has attended those meetings for the last 10 years and did not recognize anyone in the audience as an attendee of those meetings. No other organization is as transparent as the ESD. The Superintendent starts every meeting by answering questions from the meeting participants followed by an agenda that is set by the meeting participants. The School Board President, Diana White, attends most of the lunchtime meetings; Mr. Wambolt also knew her because he and she attend the same church. Ms. White has four children who attend or have attended ESD schools; it was unlikely she would make decisions that were not in their best interest. ESD decided on crumb rubber back in 2001 and it has been installed on several fields. He agreed with Mr. Hertrich's assessment that the field at the former Woodway High School looks good. Whether the Council signs the ILA has nothing to do with crumb rubber; if the City does not sign the ILA the Council will be shooting itself in the foot because the City will lose the benefits of the ILA but gain nothing because crumb rubber will be installed on the field regardless. To those that think the School Board Members will not be supported by the public in the election, the incumbent Gary Nobel received 60% of the vote in tonight's primary, his closest opponent received 24%.

**Alex Witenberg, Edmonds**, was pleased to hear Councilmember Bloom's comments last week recognizing the lack of communication between the School Board, citizens and the City Council regarding Woodway Fields. She indicated due to the quasi-judicial process, the Council was unable to read emails or discuss the fields with members of the School Board and citizens. As a result the City Council was unable to be responsive to emails. From her comments, Councilmember Bloom appears to have come to the conclusion that many have advocated for year, that the Council should not participate in quasi-judicial proceedings since doing so forecloses them from representing citizens with respect to important matters in the community. In 2009/2010 the Council took itself out of appeals process and then voted to return to the same process being used now. Part of the argument made in favor of the quasi-judicial process was otherwise the public was shut out and public officials were inaccessible and that citizens want appeals to go to the City Council. In fact, the Council was unable to be responsive to emails and after the appeal was concluded the City Attorney requested Councilmember wait 21 days to discuss the subject matter. The public has heard the School Board is unwilling to have a joint meeting with the City Council and work on the project is well underway. A joint meeting could not have occurred in the spring before work began because the council was engaged in an appeal process. As a result of the quasi-judicial process, the City Council was forced to be reactive and is finding the School Board will not engage in a dialogue that should have happened months ago. Councilmember Bloom's analysis last week of the quasi-judicial process' effects was accurate. He hoped during her last months in office she will spearhead an effort to remove the Council from that process in order to be more responsive to citizens and that other Councilmembers follow her lead.

Mayor Earling declared a brief recess.

**7. STUDY ITEMS**

**A. JUNE 2015 QUARTERLY FINANCIAL REPORT**

Finance Director Scott James displayed and reviewed 2<sup>nd</sup> Quarter 2015 Revenue Summary – General Fund Types with and without revenue bond proceeds. He displayed a comparison of General Fund Revenue Budget to Actual, highlighting taxes:

General Fund Resource Category	YTD Actual		
	6/30/2014	6/30/2015	% Change
<b><u>Taxes</u></b>			
Property Taxes	7,316,264	7,604,520	3.9%
Sales Tax	2,812,288	3,140,830	11.7%
Utility Tax	3,466,306	3,463,237	-0.1%
Other Taxes	436,635	454,668	4.1%
Total Taxes	14,031,493	14,663,255	4.5%

He reviewed a pie chart of Sales Tax Analysis by Category, pointing out YTD the City has received \$3.1 million in sales tax revenue; the major sources of sales tax revenue are retail automotive followed by contractors. He displayed a bar graph of Change in Sales Tax Revenue June 2015 compared to June 2014; pointing out sales tax is \$320,000 higher. Contractors followed by miscellaneous retail trade are the leading sources of change.

Mr. James displayed and reviewed 2nd Quarter 2015 Expense Summary – General Funds, noting General Fund expenses are 7.2% higher than last year due to additional amounts for Fire District 1 and inclusion of transfers in the 2<sup>nd</sup> quarter. He reviewed a General Fund Department Expense Summary, commenting the percentage spent for all departments was 50% which is on target. He reviewed 2nd Quarter 2015 Revenue Summary – Special Revenues, noting overall special revenues are up 6% compared to 2014 due in part to higher development fees including Traffic Impact Fees that are \$20,000 higher than 2014 and Park Impact Fees that are \$51,000 higher than last year.

Councilmember Petso referred to utility tax revenue, commenting she would have expected higher utility tax revenue given the City raised a number of its utility rates. However the comparison of utility tax revenue indicates it has not increased much. Mr. James offered to research and email Council.

Councilmember Bloom referred to administrative services, noting 232% of the budgeted amounts were spent in the miscellaneous category. She asked what miscellaneous was and why 232% of the budget had been spent by mid-year. Mr. James answered administrative services covered the purchase of IT equipment as well as purchasing of software licenses at the beginning of the year. He referred to a footnote that states the differences between 2014 and 2015 are due primarily to Adobe Professional and Microsoft Office Professional Licenses.

Councilmember Bloom pointed out four departments, Development Services and Planning(102%), Parks & Recreation (91%), Public Works (148%) and Facilities Maintenance (284%) are over budget in small equipment and asked what small equipment had been purchased. Mr. James offered to follow up with the departments.

Councilmember Buckshnis commended staff on the improved financial reports and the footnotes. She relayed greetings from former Finance Director Shawn Hunstock. Mr. James thanked Councilmember

Buckshnis for her comments, relaying it is the Finance Department's goal to make the report more useful for the reader.

**B. MUNICIPAL COURT JUDGE SALARY RECOMMENDATION**

Parks & Recreation/Human Resources Reporting Director Carrie Hite requested the Council consider an increase in the Municipal Court Judge's salary based on Washington Citizen's Commission salary schedule adopted to begin September 1, 2015. The City receives court improvement funds and as a result is required pay the Judge 95% of the District Court Judge's salary. If the Council chooses not to increase the salary, the City will lose approximately \$15,000/year in court improvements funds. The new salary schedule calls for a 4% increase beginning September 1, 2015 and a 2% increase in 2016. The Court's budget can cover the increase this year so no budget amendment is necessary. If the Council supports the increase, approval will be on the Consent Agenda along with a salary ordinance.

It was the consensus of the Council to schedule approval on the Consent Agenda in two weeks.

**C. DISCUSSION OF BOARDS AND COMMISSIONS**

Development Services Director Shane Hope recalled at the Council retreat a task force was formed with Councilmembers Bloom and Buckshnis and Council President Fraley-Monillas to meet with her and Ms. Hite to discuss boards and commissions. One of the primary issues was staff for the Diversity Commission and additional staffing for the Tree Board. The task force held four meetings and discussed how boards and commissions are staffed, how members are appointed, roles and priorities, etc. The task force developed a recommendation that included additional staff support and a scope of work for consultants for the Diversity Commission and Tree Board. The cost of a consultant for both for the remainder of 2015 is approximately \$3,000 each. The task force's recommendation also included efficiencies, recognizing the work the boards and commissions do is important but has financial impacts. The task force also prepared a comparison of all boards and commissions and other committees (attachment 5), of average staff time, meeting location, etc. Attachment 6 compares Edmonds' boards and commissions identified in code to other cities; Edmonds has a fair amount more than other cities. She noted that is a good thing in a lot of ways but also translates to a lot of expense.

At the Council's June 2 discussion of boards and commissions, the Council requested Mayor Earling provide a recommendation regarding staffing which is provided in tonight's packet. Mayor Earling's recommendation recognizes ongoing costs such as IT and staffing. She summarized Mayor Earling's recommendation:

1. Consider the full cost of appointed boards, commissions, etc. (staff hours, room expenses, internet/technology, etc.); recall that staff hours are not "free"; they are simply taken from something else.
2. Make sure that the charter or authority of each codified board/commission is up-to-date and clear for what is expected. (Roles that are written very broadly may go beyond the scope of the Council's actual intent and can lead to unrealistic expectations.)
3. Specifically:
  - (a) De-formalize or disband the Library Board, since library operations are now under the Library District. That means City staff would not attend.
  - (b) Do not have an ongoing transportation or parking committee. Organize ad hoc committees when necessary, for example, when a new transportation plan is being developed or a special issue needs research/input.
  - (c) Recognize that the Highway 99 Task Force, which has been meeting for more than 10 years, is not necessary at this point. However, broad input will be sought from Highway 99 area residents and businesses with the upcoming Highway 99 subarea plan.

- (d) Provide funding for the remainder of this year for the Diversity Commission and Tree Board to each have consultant help.
- (e) Continue other boards and commission in existence now but recognize that if more is expected of them, additional staffing will be needed too.
- (f) Whenever possible, use facilities that are open after regular business hours for board/commission meetings held outside of regular business hours (so that the public can enter without the cost of a special door monitor).

Council President Fraley-Monillas asked whether administration intends to add a separate line item to fund staffing and other costs of boards and commissions. Ms. Hope answered that was not planned unless it was a new board or commission. Mayor Earling said the challenge is quantifying the cost, the time staff spent at meeting as well as preparation and dissemination of information, which takes staff away from their assigned responsibilities.

Councilmember Buckshnis expressed support for Mayor Earling's recommendations. She was most interested in providing consultants for the Diversity Commission and the Tree Board. Once that is accomplished, the Council can revisit the other boards and commissions. People are waiting for the Diversity Commission to start meeting; it takes a special skill set to oversee that commission. The Tree Board also needs assistance; in the past the Tree Board Members have done a great deal of the work. The Tree Board Member who has oversaw the Arbor Day celebration and Tree City USA recently resigned.

Mayor Earling commented on the expense of minute taking in some boards. Minutes are needed for the ADB and Planning Board; others boards and commission could have cursory notes that identify discussion topics, motions and votes. That would save a considerable amount of money over the course of a year.

Councilmember Nelson expressed support for funding for the Diversity Commission and the Tree Board. He appreciated Mayor Earling's recommendation to have staff assigned to supervise the consultants. He also supported briefer minutes where possible to save money.

Councilmember Mesaros said as the Council creates boards, commissions or committees, one of the requirements should be the budget impact of that entity. The cost will vary by the expertise required. For example the Diversity Commission and Tree Board require a certain amount of expertise and to be successful the Council needs to allocate sufficient resources. He recommended determining the amount needed for a board or commission to be successful and then it was up to Council to determine whether to allocate those resources. However, due to competing resources, not every board or commission will get all the funding it desires. For example, it may be that there is not an Arbor Day celebration this year due to lack of funding.

Councilmember Bloom commented Arbor Day is a bigger issue as it is required for the City to be designated a Tree City USA. The Arbor Day celebration does not cost a lot and in the past it has been done by the Tree Board Members. Tree City USA also requires documenting hours from several departments allocated toward trees; in the past a Tree Board Member gathered that information. To do that in the future, the Tree Board needs to have a consultant. Without the Tree City USA designation, the City cannot obtain a grant for the Urban Forestry Program that the Planning Board recommended, obtain matching grants for education and outreach, etc.

With regard to minutes versus cursory notes, Councilmember Bloom said regardless of the type of minutes, a minute taker is still needed for some boards and commissions. The Tree Board is one of the boards that needs a minute taker. The Tree Board previously did not have a minute taker; it was very difficult for a board member to take minutes and participate in the meeting. In the past, without a minute

taker for the Tree Board, the quality of the minutes varied dramatically and they often were not submitted on time. Because the Tree Board addresses the code, it is important to have a minute taker and it was just an expense the City needed to accept for the Tree Board and other boards and commissions with responsibility for code and other issues.

Councilmember Mesaros assured his example about not having an Arbor Day celebration was a fictitious example of decisions that may have to be made. He felt Councilmember Bloom took his comments too literally.

Councilmember Nelson referred to Councilmember Mesaros' suggestion to create criteria for funding of boards and commission, expressing support for that broader discussion for 2016.

Council President Fraley-Monillas referred to Councilmember Buckshnis' comments regarding the Tree Board's workload, assuring none of the board members resigned due to the workload. With regard to minutes versus notes, when she served on the Transportation Committee with Councilmembers Bloom and Johnson, Councilmember Johnson occasionally took notes. The expense related to minutes is in the amount of detail. She acknowledged members could not take minutes and participate in the meeting but they could take notes. She suggested researching which boards or commissions require minutes.

Council President Fraley-Monillas expressed support for Mayor Earling's recommendations. She suggested Mayor Earling include funds in the 2016 budget for boards and commissions, noting his recommendation does not eliminate many boards or commissions. Mayor Earling observed the Council has suggested reducing expenses for boards and commissions but also wants to include additional funds in the budget. Staff is in the process of developing decision packages; there are 10-12 justifiable requests for additional staffing. He recognized they would not all be approved but requests for funds reduces potential for additional staff, funding for one-time expenses, etc. He was willing to develop a budget for boards and commissions but recognized it may not be the amount that everyone envisions.

Councilmember Buckshnis suggested the Tree Board and Diversity Commission could be Council budget items. Council President Fraley-Monillas pointed out most of the boards and commissions were formed by the Council.

Councilmember Mesaros pointed out the Council approved the formation of all the boards and commissions. If the Council forms a board or commission, the Council should allocate adequate funds for it to succeed. Councilmember Buckshnis said certain boards and commission are paid from certain line items; for example the Tree Board minute taker is paid from Council funds. Councilmember Mesaros noted it does not have to. Mayor Earling suggested an option would be for the Council to fund boards and commissions from the amount he allocates to Council.

Council President Fraley-Monillas said some of the commissions and boards were formed by Council but the majority report to Council so they are considered Council committees and could be funded via the Council's budget or the Mayor's budget.

Councilmember Bloom said the Transportation Committee was formed by the Mayor; Councilmember Johnson did not attend the first few meetings because she was not notified. In the Council task force, two Councilmembers recommended combining the Parking and Transportation Committees. She recalled Councilmember Johnson stating the Transportation Committee wanted to continue meeting quarterly. Councilmember Bloom felt the Transportation Committee was important and could be combined with the Parking Committee. She did not see the rationale for eliminating it and suggested the Council oversee it due to recommendations it provides to the Council.

Councilmember Johnson spoke in favor of retaining Transportation Committee. For the first five years the committee met monthly and provided advice to the Planning Board and Mayor and Council on a variety of issues. The committee collectively disbanded over the lack of support for transportation financing, a situation that has since changed. The Citizen Advisory Transportation Committee was most recently formed to advise staff on the Transportation Element. The group agreed to continue on an ad hoc basis. There is a great deal of support for an ongoing Transportation Commission that could address issues on Highway 99, support the land use work that will be done on Highway 99, provide expertise related to transportation, and provide information on parking, bicycling, non-motorized, etc. She supported re-creating the Transportation Committee as a monthly meeting; Councilmembers Bloom, Fraley-Monillas and she who served on the committee for several years and can attest to the committee's value.

Councilmember Johnson recall the last time the Council discussed boards and commissions she expressed interest in staff providing assistance rather than a consultant. She recalled Councilmember Mesaros asked Mayor Earling to present an approach that would accomplish that without consultant fees. That information has not yet been provided and she still supports that concept.

Council President Fraley-Monillas said it was not the Council's responsibility to supervise any committees but they all should report to the Council at some point. She suggested the Council provide direction to Mayor Earling to have staff hire a consultant to get the Tree Board and Diversity Commission up and running and request Mayor Earling come back with potential ideas where to take board and commissions in the coming year, whether he was willing to include funds in the budget and whether staff needed to be hired. She noted boards and commissioners were something the City does to include citizens, staff and council. Mayor Earling offered to include a number in the 2016 when it is presented to Council in October, acknowledging the Council may not like the amount but it will be based on the evaluation by staff. Ms. Hope asked whether that was to address the boards and commission that are not fully supported now such as the Tree Board, Diversity Commission and Transportation Committee. Council President Fraley-Monillas said her intent was funding for all boards and commissions, whether they can be supported internally, where additional staff or a consultant is needed, etc. Mayor Earling said that analysis likely would not be provided by the time the budget is presented; a number will be provided in the budget with some introductory comments about what can or cannot be done.

Councilmember Johnson referred to notes versus minutes, noting the Planning Board and ADB require minutes but notes would be sufficient for the remainder of the boards and commissions which could be a significant cost savings.

Councilmember Bloom reiterated Tree Board Members cannot take minutes. Whether there are notes or minutes, somebody has to take them. Councilmember Johnson said the issue is the level of detail. Councilmember Bloom questioned the cost savings as a person hired to take minutes is there the same amount of time. Mayor Earling pointed out notes do not take as long to prepare.

Councilmember Bloom referred to ad hoc committees and suggested that be defined. Mayor Earling recently established a task force for the railroad crossings alternatives study. She was taken aback by that because she has been very interested in, engaged in and speaking about emergency and pedestrian access for the past four years but had no idea he was forming an ad hoc committee. She learned Mayor Earling was forming an ad hoc committee from the press release. She was offended but not surprised that he did not ask her or invite Councilmembers to be on the committee. She expressed concern that Mayor Earling formed the committee completely independent of any input from Council, yet the committee will advise on a study that will use a huge amount of State, City and Port money. The Council did not have any say in the formation of the committee and interested citizens did not have an opportunity to join the committee. She found it disrespectful to citizen involvement, disrespectful to her to not be included in the formation of the committee and disrespectful to citizens who might be interested in serving on the committee. If the



City has ad hoc committees, she recommended defining them and how they are formed. She did not favor having ad hoc committees and preferred all committees be open to the public and announced, everyone who wants to should be able to participate and there should be a format for forming committees. She suggested the Council have further discussion on ad hoc committees and codify what is meant by an ad hoc committee and how they are form and ensure they open public meetings, minutes taken, etc.

Councilmember Buckshnis clarified the Council was interested in proceeding with Item d in the Mayor's recommendation (provide several thousand dollars for the remainder of this year for the Diversity Commission and Tree Board to each have consultant help). She was invited to participate in the Marina Beach PAC, noting an ad hoc committee is an administrative decision. Councilmember Bloom responded Councilmember Buckshnis was likely asked to be on the Marina Beach PAC due to her interest in the dog park. Participation on the alternatives study ad hoc committee was not offered to her even though she has expressed interest for several years. She supported having a process for the formation of ad hoc committees because otherwise interested Councilmembers and citizens are not included.

Councilmember Mesaros recommended a comprehensive rather than a patchwork approach to funding of boards and commission. He understood that analysis may not completed by the time the budget is presented in October 1 but suggested adequate funds be allocated in 2016 to take a comprehensive approach to boards and commissions.

Council President Fraley-Monillas suggested the Council recommend Mayor Earling's recommendation regard the Tree Board and Diversity Commission be enacted and the rest be determined when the funding is presented. She agreed the Transportation Committee should be part of that decision. Council agreed with her suggestion.

With regard to Councilmember Bloom's concerns, Mayor Earling explained he has the authority to appoint a group and the members include several state agencies and several outside agencies and the three citizen appointments have varying level of engineering skills. The Councilmember he appointed likely has not made any adjudication regarding an alternative; the Port, WSDOT and ferries made their own appointments. The group was formed with the idea it would be a fairly expert level.

## **B. ILA WITH EDMONDS SCHOOL DISTRICT FOR WOODWAY FIELDS**

Parks & Recreation Director Carrie Hite explained this project has been a longtime identified goal for the City and Edmonds Parks dating back to when the former Woodway High School closed. It was officially adopted in the City's PROS Plan in 2001 and has been identified in subsequent planning documents. There is no question Edmonds does not provide adequate field space for the amount of teams and play time that is needed. The City has had a long standing and successful partnership with ESD for use of several other fields to meet some of this need. The City currently has ILAs for the use of Meadowdale Playfields, Madrona K-8 and Edmonds Elementary. These additional fields on the Woodway campus and the only full size synthetic turf fields will provide a definite value for the citizens and athletic teams in Edmonds year round. The fields will help expand opportunities for year round fitness, increase physical activity and health opportunities.

The most recent PROS Plan was adopted in February 2014l. After a tremendous amount of public input and a random sample telephone survey, this project was identified as a top priority. The ILA gives the City the right and responsibility for using, scheduling, operating and maintaining the fields. After discussing maintenance needs and regiments with ESD, the designer DA Hogan and other jurisdictions about maintenance needs of synthetic turf fields, it was determined the approximate cost of maintaining a synthetic turf field is \$5,000-\$10,000/year. The revenues from rental of the fields will be adequate to provide staffing and support for year round maintenance.

The decision being considered tonight is the City's role as a partner in this long standing project along with the State of Washington, Verdant Health Commission and ESD. The Council is being asked to consider authoring the Mayor to enter into an ILA with ESD to schedule, use, operate, and maintain and provide \$500,000 of the \$4.2 million funding for construction of the 2 fields. The capital contribution for this project has been adopted by Council as part of the 2015 budget. If the City chooses not to sign the ILA, it would impact the ability to schedule the fields, control playing time, usage, provide drop-in times for the 40,000 residents of Edmonds and the surrounding area and to control field closing times. In addition it would continue to impact the lack of field availability for Edmonds programs and accessibility for Edmonds teams. It would also impact the City's goal and plan to install a community garden at the site as well as the City's long standing relationship with the ESD and Verdant Health Commission.

Ms. Hite addressed the issue of scheduling and field usage to allow the Council to understand the impact this decision has for Edmonds. The City currently schedules several fields and has scheduling policies and procedures to ensure access and availability to active users in the City. That scheduling regiment can easily be applied to Woodway fields. Currently the only field where year round play is allowed is the dirt field at Civic Field. The other fields are closed from November 1 through March 15 and often earlier and later depending on weather. There are numerous rainouts in the spring. The Woodway fields would provide two additional full size fields open year round. There is currently strong interest in the Woodway fields from youth lacrosse, soccer, football and baseball teams. The City has received 71 requests over the past month from SnoKing Youth Club for the use of the fields. In addition adult teams are interested in use for lacrosse, ultimate Frisbee and soccer teams. The need and demand is enormous and the City does not have the assets to accommodate all the interest.

Ms. Hite commented it is important to understand the decision regarding materials used in this project is made by ESD. In response to Councilmember Bloom's comments last week and Mr. Hertrich's comment tonight that the Mayor's team condoned the use of crumb rubber, she explained she and the Parks Maintenance Manager were invited to a field turf 101 discussion with DA Hogan early in December and they were educated about the turf and maintenance needs. Staff's questions were related to maintenance of the turf, not what materials were used. She was actually intrigued with Nike Grind at that meeting. ESD informed they use crumb rubber on all their fields and would continue to do so these fields. The City has been reassured by ESD that they have done their due diligence in selecting materials and considered comments from the public, Snohomish Health District, the State of Washington and other local experts. ESD also hired a consultant, Elisabeth Black to review studies and provide an analysis. Verdant Health Commission also commissioned a study by Gradient who also reported their findings to ESD. After performing this due diligence, the School Board voted to move forward with the project and crumb rubber infill. The packet contains a briefing memo from DA Hogan that summarizes the various infill materials.

She acknowledged this has been a difficult discussion and process due to recent anecdotal reports about crumb rubber. She recognized it was not easy for the Council, the Mayor, the School Board, her or citizens. ESD has made it clear they are going ahead with the project with or without the City. Six of seven Councilmembers met with the School Board over the past two weeks and heard the same message, the fields will be installed whether or not the City uses, schedules and maintains them. As the City's Parks Director, she hoped the Council could see the value of adding this asset to the parks system as an opportunity for the community to be active year round. She was hopeful the Council would give her and the City Attorney guidance regarding negotiating amendments to the ILA.

Councilmember Mesaros thanked Ms. Hite for her articulate opening comment. He relayed several Councilmembers have concerns with crumb rubber as well as with signing ILA. His primary concern was he wanted the City involved in making choices about infill used now and in the future. As Ms. Hite and others have stated, regardless of the Council's decision about the ILA, there will be crumb rubber at the old Woodway High School fields. Therefore the question becomes what is the goal; if the goal is not to

have crumb rubber used, what is the most effective way to achieve that goal and ensure in the future the City has a say in the infill that is used. He referred to the phrase inserted in the, Item 2.1.f of the City-edited ILA under School District's responsibilities, "For subsequent phases all decisions about fields construction and material composition shall be joint decisions of the School District and the City" and asked if that meant the City would have equal say in any infill material. City Attorney Jeff Taraday agreed that was the intent of that language. He has since learned from the School District's attorney that ESD may push back on that language. Councilmember Mesaros recognized that was their prerogative but it was the Council's prerogative to propose what they want in the ILA.

Ms. Hite said ESD's Business Operations Director was concerned with "all decisions about field construction," questioning whether that meant the City would be on the project during construction. She suggested clarifying the statement to require joint decision-making on material composition and allow ESD to oversee construction. She noted in a project this size construction decisions are made every day.

Councilmember Mesaros referred to Item 2.2.e under the City's responsibilities which states, "The City will jointly plan with the School District for additional capital expenditures for subsequent phases, and replacement costs" and suggested inserting after "phases" the words "material composition." That would allow the City to have a say in the material composition that is used at Woodway fields. The goal is to have some control over the infill. If the City does not have an ILA that provides that responsibility, the decision will be made by the School District and the City gains nothing.

Councilmember Petso recalled during audience comment a citizen stated there is no strong need for the City to participate in the ILA because the Verdant contract already provides the City with field access. Ms. Hite said she would need to review the Verdant contract; her recollection was the contract was between Verdant and the School District and gave the School District responsibilities for community use and reporting of community use. She did not believe it gave the City any rights to field access.

Councilmember Petso said she has a number of proposed changes to the ILA that she will email to staff. Because the City was already responsible for maintenance, she suggested the City assume full authority over the infill material used, not only on future fields but after these fields are constructed.

Council President Fraley-Monillas relayed the School Board President told her they are not about to sign an ILA that allows the City to rip out the fields after they are installed because it would be a gigantic waste of taxpayer money. She was interested in the ILA providing the City sole responsibility to install whatever fields the City deems appropriate including paying for it when it is time to replace the fields. Recognizing there has been a lot of emotional commentary, ESD is putting in the fields, and the City has no say in it. Ensuring the City has the ability to change the fields in the future and pay for it entirely would potentially give future Councils the ability to make decisions that this Council did not have the ability to make regarding the material used on the fields. She pointed out these were the only playfields in the City that will be available for community use.

**COUNCILMEMBER MESAROS MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO EXTEND THE MEETING TO 10:20 P.M. MOTION CARRIED (6-1), COUNCILMEMBER JOHNSON NO.**

Councilmember Buckshnis referred to the strike outs in Sections 5.2, 5.3 and 5.4 under terms and terminations. Mr. Taraday recalled those sections allowed ESD to terminate the agreement. Because the City's primary consideration happens then the \$500,000 is provided, he did not want ESD to be able to terminate the agreement and he wanted to ensure City has use of the fields. Councilmember Buckshnis asked if there was a yearly maintenance fee. Ms. Hite said the ILA addresses maintaining the fields at a cost of approximately \$10,000/year. Mr. Taraday said he did not see any benefit to the City in either party being able to terminate upon 180 days written notice. Councilmember Buckshnis commented it is always

good to have the ability to opt out. Mr. Taraday said the parties can mutually terminate the ILA. If the City is making a big upfront payment, ESD should not be able to terminate the ILA upon 180 days' notice. Ms. Hite recalled in her previous position in Kirkland ILAs that included reimbursement for capital contributions if the District terminated within a certain amount of time.

With regard to scheduling of the fields, Councilmember Buckshnis relayed her understanding the City did not have any control over scheduling or time play ended if the Council did not engage in the partnership with ESD. Ms. Hite agreed absent the ILA, the Council would have no control over scheduling or use of the fields. Per the Edmonds City Code, athletic events are exempt from the noise ordinance. There are no lights at the field currently but play could last until 10:00 p.m. in the summer. Her prediction without the ILA is that ESD athletic teams will use the field more and more and SnoKing Youth Club will have little access to it. Councilmember Buckshnis said she has heard from many citizens who are in favor of the fields.

Councilmember Buckshnis asked for clarification regarding the language in Section 4 regarding payment, "The City shall have the right to retain all fees collected from third-party users of the Former Woodway Fields." Ms. Hite explained it could be tournament-related rentals or rental of the fields; SnoKing and other clubs currently pay the City for use of fields which is used to maintain the fields. Staff calculated 60% use of the fields would provide approximately \$30,000 in revenue; that would allow the fields to be open on Sundays and during the week for drop-in use and used after 5:00 p.m. She summarized local need and demand is enough to pay for maintenance of the fields; there is much more time available on the fields for tournaments.

Councilmember Nelson relayed he has serious concerns with the infill. He asked the replacement timeline for the infill. Ms. Hite answered it has a 10-year service life. Councilmember Nelson referred to language regarding subsequent phases and replacement and asked if that was in 10 years. Ms. Hite agreed. Councilmember Nelson said he would like to see replacement before 10 years. He observed this is a contract and although ESD has said they will not move on certain issues, everything can be negotiated. He was interested working with ESD and negotiating the infill and a timeline for the infill. He summarized there was a lot more ground the parties are closer on than they realize.

Councilmember Bloom commented what she said last week was misrepresented by one of the speakers. She relayed her comment from the July 28, 2015 minutes regarding Councilmembers Johnson and Petso and herself, "Third, the most concerning statement was that Ms. Nowak felt the City was in support of crumb rubber because it apparently was represented by Mayor Earling's staff that there was support for the crumb rubber infill. She requested Mayor Earling explain how and if that was conveyed to the School District." That was one of the reasons she requested a meeting with the School Board; Diana White, the School Board President, declined on behalf of the School Board. She was hopeful the infill was negotiable due to 1,000 citizens who signed 2 different petitions and a petition circulated within the past couple weeks that has 550 signatures. She has received 56 emails from different people in the last couple weeks. She is not hearing more people in support of the fields; she is hearing people stunned to learn crumb rubber is being installed, trying figure out what can do about it and that they did not know crumb rubber was used in other fields in Edmonds. She noted citizens first began commenting at Council meetings on July 14 and then again on July 21 and 28 and today. Many people are in disbelief ESD is putting in a product that has heavy metals, known carcinogens and carbon black. She referred to Ms. Wolfe's comments about the connection between carbon black and global warming. She agreed with Councilmember Nelson that the infill needs to be negotiated.

Councilmember Bloom did not think people have spoken negatively about School Board Members. The School Board had the choice of only two infills, crumb rubber and Nike Grind; no organic alternative was presented. Ms. Hite said the School Board's minutes state there were bids for four alternatives including

Geofill and a few other products. Councilmember Bloom said according to School Board Member Nowak and others, those were not presented to the School Board. Ms. Hite said the School Board chose SBR but Board Member Nowak made motions to adopt the other alternatives bids that were not supported by other board members. She offered to send Council a link to the School Board minutes.

Councilmember Bloom said she cannot support any contract that allows installation of crumb rubber because the Council would be complicit, actually aiding and abetting ESD in exposing children to heavy metals, carcinogens and carbon black. She supported Councilmember Nelson's suggestion, to negotiate the infill.

Councilmember Petso recalled during public comment two people suggested not taking sides. She agreed, commenting the Council could have reached this point a couple weeks ago. The win-win may now be more visible; there is general agreement the fields are needed and that crumb rubber contains known carcinogens and other bad stuff. Given that, it does not seem a far stretch to reach a general agreement that there could be more playfields and they do not have to use this toxic substance. She was not interested in the redlining that ESD has suggested. If ESD wants to remove the phrase that they have complete responsibility for construction of the fields and selection of materials to be used in the construction, they need to accept the potential future liability and responsibility that goes with it, otherwise they need give the City some say and negotiate.

Councilmember Mesaros relayed his understanding that this phase will construct two of the four fields and that subsequent phases refer to two additional fields that may be developed sooner than ten years. He suggested the phrase "subsequent phases" is more than when the current fields wear out, but construction of two additional fields. Ms. Hite agreed. Councilmember Mesaros said if that was the case, he definitely wanted the City to have a say in the infill in the two fields that will be constructed sooner than ten years.

Council President Fraley-Monillas proposed Councilmembers send their suggested language to Mr. Taraday. Mr. Taraday will attempt to present the changes to ESD and see what their response is and return to Council with ESD's response. That is the only way the Council will learn whether ESD is willing to accept the proposed changes. Mayor Earling requested Councilmembers submit their suggested changes by Friday.

**COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER MESAROS, TO EXTEND FOR 10 MINUTES. MOTION CARRIED UNANIMOUSLY.**

**8. ACTION ITEMS**

**A. RESOLUTION ADOPTING THE 2016-2021 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM**

Due to the late hour this item was postponed.

**B. AUTHORIZATION TO AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,181,347.00 FOR THE 238TH ST SW WALKWAY PROJECT TO TAYLOR'S EXCAVATORS, INC.**

City Engineer Rob English reported bids were opened last week and the low bidder was Taylor's Excavators in the amount of \$1,181,347. Review of bid documents is complete and staff recommends award of the bid to Taylor's Excavators. The bid is \$30,000 less than the engineers estimate. Based on the budget, an additional \$50,000 in stormwater funding is needed which staff recommends come from the stormwater allocation for street projects.

**COUNCILMEMBER JOHNSON MOVED, SECONDED BY COUNCILMEMBER NELSON, TO AWARD THE PROJECT AS DESCRIBED BY MR. ENGLISH. MOTION CARRIED UNANIMOUSLY.**

**9. MAYOR'S COMMENTS**

Mayor Earling reported the Hekinan students delegation is in Edmonds. He is looking forward to Hekinan's Vice Mayor and Council President who will reach Edmonds on Sunday.

Mayor Earling commented there is no Council meeting next Tuesday. The public is invited to the 125<sup>th</sup> Anniversary celebration, beginning at 1:30 p.m. and culminating with a street dance 5:30 – 8:30. The celebration will include four former Mayors including Harve Harrison. The Historical Museum is having an open house this Sunday. Their new plaza will be mostly complete by then and the museum will feature a new display on the second floor celebrating the City's 125<sup>th</sup> anniversary.

Mayor Earling announced he appointed Councilmember Nelson and Port Commissioner Jim Orvis as co-chairs for the task force as he felt it was important to have local governments in a leadership role.

**10. COUNCIL COMMENTS**

Councilmember Bloom relayed an audience member misinterpreted her comment; she has no interest in spearheading an effort to remove the Council from quasi-judicial hearings as she felt the Council belonged in that role and it was important for the Council to continue in that role.

Councilmember Mesaros thanked sponsors of volunteer picnic, The Hotel Group, Coldwell Banker and Edmonds IGA.

Council President Fraley-Monillas invited volunteers to the picnic at 2:00 p.m. at City Park. She explained the City is prohibited by law from paying for guests at the volunteer picnic. Raising money via the sponsors allows volunteers' family members to attend. She thanked Councilmember Mesaros for pursuing sponsors.

Council President Fraley-Monillas said she and City Clerk Scott Passey are playing with the format of the agenda to include presentations, reports, study items and action items. The goal is make the agenda more user friendly for citizens and the Council.

**11. CONVENE IN EXECUTIVE SESSION REGARDING PENDING OR POTENTIAL LITIGATION PER RCW 42.30.110(1)(i)**

This item was not needed.

**12. RECONVENE IN OPEN SESSION. POTENTIAL ACTION AS A RESULT OF MEETING IN EXECUTIVE SESSION**

This item was not needed.

**13. ADJOURN**

With no further business, the Council meeting was adjourned at 10:28 p.m.